

Message Text

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S E C R E T SECTION 1 OF 7 USUN 3159

STADIS/EXDIS////////////////////////////////

FOR D/LOS

FROM US LOS DEL

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJ: LOS: PAPERS FOR VISIT OF SECRETARY

THE FOLLOWING ARE FOUR DRAFT COUNTRY PAPERS FOR THE
SECRETARY'S BOOK (KENYA, PERU, MEXICO, AUSTRIA). RE-
MAINDER WILL FOLLOW TOMORROW AM.

PERU

YOUR MEETING WITH HEAD OF PERUVIAN LAW OF THE SEA DELEGATION

SR. JUAN MIGUEL BAKULA

FRIDAY, AUGUST 13 -

PARTICIPANTS

US PERU

THE SECRETARY SR. JUAN MIGUEL BAKULA
HEAD OF DELEGATION

CARLYLE MAW, T ADDRESSED: AMBASSADOR
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T. VINCENT LEARSON, S/AL PHONETIC: BAHKOOLAH

BERNARD OXMAN, L SR. ALFONSO ARIAS SCHREIBER
(NOTETAKER)

ADDRESSED: AMBASSADOR

PHONETIC: AHREEAHS SHREYBUR

SR. ALVARO DE SOTO, CHAIRMAN
G-77, C-I

ADDRESSED: MR.

PHONETIC: DAYSOHTOH

CHECKLIST:

--COMMITTEE I - ENCOURAGE DE SOTO TO CONTINUE TO WORK IN
GROUP OF 77 FOR FAVORABLE SOLUTION.

--COMMITTEE II - STRESS IMPORTANCE TO U.S. OF HIGH SEAS
STATUS OF ECONOMIC ZONE.

--COMMITTEE III - STRESS IMPORTANCE OF MAKING MAJOR CHANGES
TO SCIENTIFIC RESEARCH TEXT.

--DISPUTE SETTLEMENT - STRESS IMPORTANCE OF APPLICATION
TO ECONOMIC ZONE DISPUTES.

BACKGROUND:

1. COMMITTEE I.

PERU WAS A PRINCIPAL DEVELOPING COUNTRY LEADER IN COMMITTEE
I SINCE 1969. AT THIS SESSION, THEY ARE DISCREDITED IN THE
GROUP OF 77 BECAUSE THEY PARTICIPATED WITH US IN THE SECRET
NEGOTIATING GROUP (CALLED THE SECRET BRAZIL GROUP) AT THE
LAST SESSION. MEXICO WAS A MEMBER OF THE SECRET BRAZIL
GROUP, AND, BEING DISSATISFIED WITH THE RESULTS OF THE
NEGOTIATIONS, MEXICO HAS INFORMED OTHER MEMBERS OF
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THE GROUP OF 77 WHICH OF THE DEVELOPING COUNTRIES WERE MEMBERS
OF THE SECRET GROUP.

PERU IS CHAIRMAN OF THE GROUP OF 77 IN COMMITTEE I, BUT
BECAUSE OF GROUP OF 77 REACTION TO PERU'S PARTICIPATION IN
THE SECRET BRAZIL GROUP, PERU IS EXERCISING ITS CHAIRMAN-
SHIP AT THIS SESSION WITH A VERY LOW PROFILE.

SINCE WE REACHED AGREEMENT WITH PERU ON THE INTERIM PRODUCTION LIMIT, PERU HAS BEEN REASONABLY COOPERATIVE IN COMMITTEE I. HOWEVER, THEY MAY FEEL THAT THEY WENT TOO FAR IN THE LAST SESSION OF THE CONFERENCE IN THEIR NEGOTIATIONS WITH US, AND HAVE GREAT DIFFICULTY IN DEFENDING THE RSNT IN THE GROUP OF 77. IF WE ARE SUCCESSFUL IN THE STRATEGY WE DESCRIBED IN THE SCOPE PAPER, PERU MAY REQUIRE ITS LEADERSHIP POSITION IN THE GROUP OF 77 AT A LATER STAGE.

2. COMMITTEE II:

PERU IS AN EXTREME 200-MILE TERRITORIAL SEA CLAIMANT, AND HAS PLAYED AN ADVERSARY ROLE IN THE COMMITTEE II NEGOTIATIONS. THEIR CHIEF NEGOTIATOR, ARIAS SCHREIBER, IS A FORCEFUL AND ARTICULATE ADVOCATE OF EXTREME POSITIONS IN THE COMMITTEE, IN THE COASTAL STATE GROUP AND WITHIN THE GROUP OF 77. PERU HAS OPPOSED THE U.S. ON SUCH SENSITIVE ISSUES AS THE TRANSIT OF WARSHIPS THROUGH THE TERRITORIAL SEA, OVERFLIGHT OF STRAITS, INSTALLATIONS, AND DEVICES OF A NON-ECONOMIC CHARACTER IN THE ECONOMIC ZONE, AND THE HIGH SEAS STATUS OF THE ECONOMIC ZONE. MOREOVER, PERU HAS MADE NO MOVEMENT TOWARD FINDING A SOLUTION TO THE TUNA PROBLEM. (GIVEN PERU'S ATTITUDE ON THIS ISSUE, WE HAVE CONCENTRATED OUR EFFORTS BILATERALLY ON OTHER COUNTRIES, INCLUDING ECUADOR AND MEXICO). WE SUSPECT THAT PERU IS SEEKING THE MOST COASTAL RESULT ON THE ECONOMIC ZONE POSSIBLE (RECOGNIZING THAT A 200-MILE TERRITORIAL SEA CANNOT BE AGREED UPON AT THE CONFERENCE), AND EVEN THEN MAY REFUSE TO SIGN THE TREATY.

3. COMMITTEE III:

PERU ORIGINALLY MADE THE HEAVILY COASTAL PROPOSAL REGARDING
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SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE WHICH WAS ADOPTED IN THE REVISED SNT AND GENERALLY SUPPORTS A CONSENT REGIME WITH FEW RESTRICTIONS ON COASTAL STATE DISCRETION. SHE IS MODERATE ON POLLUTION ISSUES.

4. DISPUTE SETTLEMENT:

PERU ADVOCATES EXCLUDING ALL OR VIRTUALLY ALL ECONOMIC ZONE ISSUES FROM COMPULSORY THIRD-PARTY DISPUTE SETTLEMENT. HER RATIONALE--THAT THE ZONE IS AN AREA OF NATIONAL JURISDICTION--IS CLOSELY LINKED TO HER VIEW OF THE AREA AS VIRTUALLY TERRITORIAL IN CHARACTER.

TAKING POINTS:

GENERAL

--THIS SESSION OF THE CONFERENCE MAY WELL DETERMINE WHETHER THESE NEGOTIATIONS CAN RESULT IN A TREATY WHICH ACCOMMODATES THE INTERESTS OF THE WORLD COMMUNITY.

--THE LOS NEGOTIATIONS TOUCH ON A NUMBER OF ISSUES OF VITAL INTEREST TO THE U.S. WE CANNOT AGREE TO A TREATY WHICH DOES NOT MEET OUT BASIC CONCERNS.

--THE U.S. HAS MADE A NUMBER OF COMPROMISE PROPOSALS IN AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT.

SOME OF THESE HAVE ENTAILED IMPORTANT CONCESSIONS ON OUR PART. HOWEVER, THERE IS A POINT BEYOND WHICH THE U.S. IS NOT PREPARED TO GO.

--THUS, WHILE WE CLEARLY WANT TO RESOLVE ALL MAJOR ISSUES AT THIS SESSION, WE ARE NOT WILLING TO MAKE CONCESSIONS MERELY FOR THE SAKE OF QUICK AGREEMENT.

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S E C R E T SECTION 2 OF 7 USUN 3159

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COMMITTEE I:

--WE ARE GRATEFUL FOR THE CLOSE COOPERATION WHICH HAS EXISTED SINCE THE LAST SESSION BETWEEN THE UNITED STATES AND PERUVIAN DELEGATIONS IN COMMITTEE I.

--WE APPRECIATE THAT PERU WILL HAVE DIFFICULTY IN THEIR

ROLE AS CHAIRMAN OF THE GROUP OF 77 IN COMMITTEE I OUT-
SPOKENLY DEFENDING THE COMPROMISES WORKED OUT IN THE SECRET
GROUP AT THE LAST SESSION.

--WE HOPE, HOWEVER, THAT PERU WILL CONTINUE TO USE HER
CONSIDERABLE INFLUENCE IN THE GROUP OF 77 TO ENCOURAGE THE
MODERATE COUNTRIES, PARTICULARLY THE MANY IN THE LATIN
AMERICAN REGION, TO BE MORE OUTSPOKEN IN THE GROUP OF 77,
SINCE A MORE EXTREME TEXT THAN NOW EXISTS WILL SURELY
MAKE NEGOTIATIONS MUCH MORE DIFFICULT AND WILL PROBABLY
RESULT IN THE FAILURE OF THE CONFERENCE.

--WE WOULD APPRECIATE YOUR SUGGESTIONS AS TO THE BEST
STRATEGY AT THIS SESSION FOR PRESERVING THE PROGRESS ALREADY
MADE AND MOVING AHEAD.

COMMITTEE II:

--IN OUR VIEW, THE HIGH SEAS STATUS OF THE ECONOMIC ZONE
IS OF CRITICAL IMPORTANCE. OUR POSITION AND CONCERNS ARE
NOT THEORETICAL, BUT ARE VERY REAL.

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--THE U.S. IS NOT PREPARED TO NEGOTIATE THE FUNCTIONAL
EQUIVALENT OF A TERRITORIAL SEA EXTENDING TO 200 MILES
FROM THE COAST. THIS IS THE IMPLICATION OF THE PRESENT
NEGOTIATING TEXT.

--LET US ASSURE YOU THAT WE DO NOT INTEND, ON THE OTHER
HAND, THAT THE HIGH SEAS STATUS OF THE ZONE, SHOULD DEROGATE
FROM THE RESOURCE AND OTHER RIGHTS OF THE COASTAL STATE
THAT THIS TREATY WILL INCLUDE. IN THIS REGARD, WE ARE
PREPARED TO NEGOTIATE SUITABLE ASSURANCES FOR COASTAL
STATES.

--(IF THE QUESTION OF DEVICES IN THE ECONOMIC ZONE OR ON
THE CONTINENTAL SHELF SHOULD ARISE). THE PRESENT TEXT ON
ARTIFICIAL ISLANDS AND INSTALLATIONS REPRESENTS A DELICATE
BALANCE. IT IS VERY COASTAL, BUT WE ARE PREPARED TO GO
ALONG WITH MINOR CORRECTIONS. HOWEVER, WE CANNOT AGREE
TO A PROVISION GRANTING TO THE COASTAL STATE CONTROL OVER
ALL INSTALLATIONS IN THE ECONOMIC ZONE OR ON THE CONTINENTAL
SHELF. IF THEY DO NOT INTERFERE WITH THE EXERCISE OF
COASTAL STATE RIGHTS, THERE IS NO REASON TO EXCLUDE THEM.

--(IF TUNA ISSUE IS RAISED). WE BELIEVE THAT THE PRESENT
TUNA ARTICLE CAN FORM THE BASIS FOR AGREEMENT. WE MUST
THEN COOPERATE TO IMPLEMENT IT IN OUR REGION.

COMMITTEE III

--WE ARE EXTREMELY CONCERNED ABOUT THERE REVISED TEXT ON MARINE SCIENTIFIC RESEARCH. IT IS MUCH TOO COASTALLY ORIENTED. WE MUST ELIMINATE THE OVERALL CONSENT CONCEPT FOR THE ECONOMIC ZONE, AND LIMIT THE CONSENT REQUIREMENT TO A FEW CLEARLY SPECIFIED CATEGORIES OF SCIENTIFIC RESEARCH (E.G., RESOURCE-ORIENTED RESEARCH). AND, OF COURSE, WE MUST HAVE COMPULSORY DISPUTE SETTLEMENT FOR SCIENTIFIC RESEARCH.

DISPUTE SETTLEMENT:

--THERE WILL BE CONTINUING PROBLEMS IN HARMONIZING THE
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RIGHT OF COASTAL STATES AND OTHERS IN THE ECONOMIC ZONE. WE NEED A PROCEDURE THAT REDUCES THE POTENTIAL FOR FRICTION. IT IS THE NEW LAW--THE TREATY--THAT WILL APPLY IN SUCH DISPUTES.

--WE ATTACH GREAT IMPORTANCE TO APPLYING COMPULSORY PROCEDURES TO DISPUTES IN THE ECONOMIC ZONE. WE BELIEVE THAT THE LONG-TERM INTERESTS OF COASTAL STATES WILL BE SERVED BY PROVIDING A REASONABLE ALTERNATIVE FOR PROTECTING THEIR INTERESTS. FOR OUR PART, ONCE A COASTAL STATE RIGHT OF ARREST IS POSTULATED, THERE MUST BE MEANS FOR DEALING WITH MISUNDERSTANDINGS. WE CANNOT ALLOW ANTICIPATED PROBLEMS TO BECOME CONSTANT POLITICAL IRRITANTS IN RELATIONS BETWEEN COUNTRIES.

--WE ARE PREPARED TO COOPERATE IN ADOPTING LANGUAGE THAT MINIMIZES THE POSSIBILITY OF CONSTANT LITIGATION ON FISHERIES.

LOS COUNTRY PAPER - AUSTRIA
YOUR MEETING WITH AMBASSADOR KARL WOLF, CHAIRMAN OF AUSTRIAN DELEGATION - FRIDAY, AUGUST 13

PARTICIPANTS

US AUSTRIA
THE SECRETARY AMB. KARL WOLF, CHAIRMAN
MR. MAW OF DELEGATION
AMB. T. VINCENT LEARSON
BERNARD H. OXMAN

CHECKLIST

--LAND-LOCKED/GDS GROUP - EXPLAIN OUR UNDERSTANDING OF THEIR CONCERNS.

--CONTINENTAL MARGIN - SUPPORT A PRECISE DEFINITION

OF MARGIN BOUNDARY BEYOND 200 MILES.

--REVENUE SHARING - SUPPORT NONDISCRIMINATORY REVENUE
SHARING FROM MARGIN BEYOND 200 MILES.

--HIGH SEAS STATUS - STRESS IMPORTANCE OF
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ISSUE TO U.S.

BACKGROUND

AUSTRIA IS CHAIRMAN OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS), WHICH NUMBERS 52 AND IS EXPANDING. THE UNITING FACTOR IN THIS GROUP IS THAT ITS MEMBERS WILL NOT, FOR GEOGRAPHIC REASONS, ACQUIRE VERY SUBSTANTIAL AREAS AND/OR RESOURCES OFF THEIR COAST BY VIRTUE OF EXTENDING COASTAL STATE RESOURCES JURISDICTION TO 200 MILES AND, WITH RESPECT TO SEABED RESOURCES, BEYOND 200 MILES TO THE EDGE OF THE CONTINENTAL MARGIN. THE GROUP INCLUDES INDUSTRIALIZED AND DEVELOPING COUNTRIES FROM ALL REGIONS. THE CURRENT MEMBERSHIP (LEADERS UNDERLINED) IS: (BEGIN UNDERLINE) AFGHANISTAN, (END UNDERLINE) ALGERIA, (BEGIN UNDERLINE) AUSTRIA, (END UNDERLINE) BAHRAIN, BELGIUM, BHUTAN, (BEGIN UNDERLINE) BOLIVIA, (END UNDERLINE) BOTSWANA, BULGARIA, BURUNDI, BYELORUSSIAN SSR, CENTRAL AFRICAN REPUBLIC, CHAD, CZECHOSLOVAKIA, ETHIOPIA, FINLAND, GAMBIA, FRG, GDR, GREECE, HOLY SEE, HUNGARY, (BEGIN UNDERLINE) IRAQ, JAMAICA, (END UNDERLINE) JORDAN, (BEGIN UNDERLINE) KUWAIT, (END UNDERLINE) LAOS, LESOTHO, LIECHENSTEIN, LUXEMBOURG, MALAWI, MALI, MONGLIA, (BEGIN UNDERLINE) NEPAL, NETHERLANDS, (END UNDERLINE) NIGER, PARAGUAY, (BEGIN UNDERLINE) POLAND, (END UNDERLINE) QATAR, RWANDA, SAN MARINO, (BEGIN UNDERLINE) SINGAPORE, (END UNDERLINE) SUDAN, SWAZILAND, SWEDEN, SWITZERLAND, TURKEY, UGANDA, UNITED ARAB EMIRATES, UPPER VOLTA, ZAIRE, (BEGIN UNDERLINE) ZAMBIA. (END UNDERLINE) THEIR PRINCIPAL DEMANDS ARE:

(1) FREE TRANSIT TO AND FROM THE SEA FOR LANDLOCKED COUNTRIES ACROSS THE TERRITORIES OF THEIR COASTAL NEIGHBORS. U.S. POSITION. SYMPATHETIC, BUT LOW PROFILE. WE ARE NOT DIRECTLY AFFECTED.

(2) (BEGIN UNDERLINE) EQUAL (END UNDERLINE) ACCESS TO (BEGIN UNDERLINE) FISHERIES (END UNDERLINE) WITHIN THE 200-MILE ECONOMIC ZONE OF THEIR COASTAL NEIGHBORS. (POSSIBLE FALLBACK IS (BEGIN UNDERLINE) PREFERENTIAL (END UNDERLINE) ACCESS OVER THIRD STATES, PROVIDED THEY ARE NOT COMPLETELY CUT OFF IF THERE
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IS NO SURPLUS). THE OAU HAS ENDORSED EQUAL ACCESS FOR
(BEIN UNDERLINE) LANDLOCKED (END UNDERLINE) COUNTRIES ONLY.
U.S. POSITION: SYMPATHETIC, BUT LOW PROFILE. FYI: WE COULD
BE HURT IF GDS FISHING RIGHTS ARE TOO STRONG, BUT DON'T THINK
THIS WILL
HAPPEN. END FYI.

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(3) REVENUE-SHARING FROM MINERAL RESOURCES OF THE
ECONOMIC ZONE AND CONTINENTAL SHELF. (SOME ARGUE FOR A
RIGHT OF ACCESS TO SUCH RESOURCES, BUT OTHERS RELIZE
THE COASTAL STATES WILL NOT ACCEPT THIS.) U.S.
POSITION: NON-DISCRIMINATORY REVENUE-SHARING BY COASTAL
STATE WITH RESPECT TO EXPLOITATION OF MINERAL RESOURCES
OF THE CONTINENTAL SHELF SEAWARD OF 200 MILES. THE
COASTAL STATES ARE VERY HOSTILE TO REVENUE-SHARING WITHIN
200 MILES. WE OPPOSE PROPOSALS TO EXEMPT DEVELOPING
COASTAL STATES FROM THE FULL REVENUE-SHARING
OBLIGATION.

WHILE THE LL/GDS WOULD PREFER THAT COASTAL STATE JURISDICTION ON THE MARGIN CEASE AT 200 MILES, THIS IS NOT A LIKELY OUTCOME OF CERTAIN KEY STATES (E.G., CANADA, NORWAY, AUSTRALIA, NEW ZEALAND AND THE U.K.) ARE EXPECTED TO SIGN THE TREATY. THE GROUP GENERALLY SUPPORTS THE HIGH SEAS STATUS OF THE ECONOMIC ZONE. A POTENTIAL DANGER IS THAT THE COASTAL STATES MAY OFFER LL/GDS CERTAIN RIGHTS IN THE ECONOMIC ZONE IN EXCHANGE FOR SUPPORT OF A MORE COASTAL POSITION ON THE STATUS OF THE ZONE. MOST OF THE GROUP'S ACTIVITY FOCUSES ON

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COMMITTEE II. WE WISH TO ENCOURAGE THEM TO JOIN THE FIGHT FOR DISPUTE SETTLEMENT APPLICABLE TO THE ECONOMIC ZONE.

AUSTRIAL HAS NO FISHING FLEET, NAVY, OR MARINE-ORIENTED INDUSTRIES THAT WOULD STAND TO GAIN OR LOSE BY THE RESULTS OF THE CONFERENCE. IT HAS ACQUIRED A SMALL MARITIME COMMERCIAL FLEET. THE COUNTRY HAS ACCESS TO THE SEA THROUGH WELL-ESTABLISHED TRANSIT RIGHTS ACROSS NEIGHBORING COASTAL STATES. HOWEVER, UNREASONABLE DEMANDS OF COASTAL STATES AND/OR DEVELOPING STATES COULD RESULT IN INCREASED COSTS TO AUSTRIANS FOR PRODUCTS OF THE SEA AND MARINE TRASPORT.

THE LOS NEGOTIATIONS OFFER AUSTRIA OPPORTUNITIES AS THE CHAIRMAN OF THE LANDLOCKED AND GEOGRAPHICALLY DIS-ADVANTAGED STATES TO IMPROVE ITS STATUS AS AN INTERMEDIARY BETWEEN LARGE POLITICAL BLOCS. THE AUSTRIANS AS CHAIRMAN OF THE GROUP MAY BE EXPECTED TO PLAY AN ACTIVE ADVOCACY ROLE FOR THE LL/GDS ESPECIALLY IN LIGHT OF THE RECENT EXPANSION OF THE OPPOSING COASTAL STATE GROUP VARIOUSLY SAID TO INCLUDE 62, 87, OR 88 MEMBERS. THE DEMANDS OF THE LL/GDS, ALTHOUGH OF LITTLE DIRECT PRACTICAL IMPACT ON AUSTRIA, HAVE TENDED TO CAUSE MANY DEVELOPING COASTAL STATES TO TAKE A MORE TERRITORIALIST POSITION REGARDING THE ECONOMIC ZONE.

TALKING POINTS:

--THIS SESSION OF THE CONFERENCE MAY WELL DETERMINE WHETHER THESE NEGOTIATIONS CAN RESULT IN A TREATY WHICH ACCOMMODATES THE INTERESTS OF THE WORLD COMMUNITY.

--THE U.S. HAS MADE A NUMBER OF COMPROMISE PROPOSALS IN AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT. SOME OF THESE HAVE ENTAILED IMPORTANT CONCESSIONS ON OUR PART. HOWEVER, THERE IS A POINT BEYOND WHICH THE U.S.

IS NOT PREPARED TO GO.

--THUS, WHILE WE CLEARLY WANT TO RESOLVE ALL MAJOR
ISSUES AT THIS SESSION, WE ARE NOT WILLING TO MAKE
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CONCESSIONS MERELY FOR THE SAKE OF QUICK AGREEMENT.

--THE U.S. RECOGNIZES AND APPRECIATES THE CONCERNS
OF THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES AND SYMPATHIZES WITH THE IMPORTANCE OF REACHING
AN EQUITABLE ACCOMMODATION ON THE ISSUES INVOLVED. AT
THE SAME TIME, WE THINK YOUR GROUP SHOULD CAREFULLY
CONSIDER THE CONSEQUENCES OF NO AGREEMENT IN DECIDING
WHAT IT CAN ACCEPT.

--WHILE WE RECOGNIZE THE CONCERNS OF AUSTRIA AND THE
LL/GDS REGARDING THE CONTINENTAL MARGIN, A REASONABLE
AND REALISTIC ACCOMMODATION, IN OUR VIEW,
INCLUDES A PRECISE AND FAIR DEFINITION OF THE
MARGIN WHERE IT EXTENDS BEYOND 200 MILES COUPLED WITH
BEGIN UNDERLINE NON-DISCRIMINATORY END UNDERLINE
REVENUE-SHARING FROM MINERAL
EXPLOITATION OF THE MARGIN BEYOND 200 MILES. WE DO NOT
SUPPORT A COMPLETE OR EVEN PARTIAL EXCLUSION FOR DEVELOP-
ING COASTAL STATES WITH LARGE MARGINS.

--IN OUR VIEW, THE HIGH SEAS STATUS OF THE ECONOMIC
ZONE IS OF CRITICAL IMPORTANCE. OUR POSITION AND
CONCERNS ARE NOT THEORETICAL, BUT ARE VERY REAL. THE
U.S. IS NOT PREPARED TO NEGOTIATE THE FUNCTIONAL EQUIVALENT
OF A TERRITORIAL SEA EXTENDING TO 200 MILES FROM THE
COAST. THIS IS THE LONG-TERM IMPLICATION OF THE PRESENT
TEXT.

--SIMILARLY, WE BELIEVE THE CURRENT APPROACH
TO SCIENTIFIC RESEARCH IS MUCH TOO COASTAL.

--PERHAPS AUSTRIA AND OTHER LANDLOCKED AND GEOGRAPHICALLY
DISADVANTAGED COUNTRIES SHOULD PARTICIPATE MORE ACTIVELY
IN THE DISPUTE SETTLEMENT NEGOTIATIONS.

--I WOULD THINK THE INTEREST OF THIS GROUP REQUIRES
COMPULSORY DISPUTE SETTLEMENT RELATING TO THE ECONOMIC
ZONE, SINCE PROTECTIONS FOR THE GROUP WILL, IN MOST
CASES, DEPEND ON THE DEGREE OF COASTAL STATE COOPERATION
IN IMPLEMENTING THE TREATY PROVISIONS.

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PARTICIPANTS MEXICO

SEC CASTENADA

MAW TELLO

LEARSON GONZALEZ DE LEON

OXMAN VALLARTA

CHECKLIST

--COMMITTEE I - URGE THEM TO SUPPORT COMPROMISE RATHER THAN
POLARIZATION.

--COMMITTEE II- URGE THEM TO HELP ON HIGH SEA STATUS OF
ECONOMIC ZONE.

--COMMITTEE III- STRESS IMPORTANCE OF MAKING CHANGES TO
SCIENTIFIC SEARCH TEXT.

--DISPUTE SETTLEMENT- URGE ACCEPTANCE OF APPLICATION TO
ECONOMIC ZONE DISPUTES.

MEXICO

BACKGROUND:

MEXICO HAS PLAYED AN IMPORTANT ROLE IN THE LAW OF THE
SEA NEGOTIATIONS FOR MANY YEARS -- USUALLY MODERATE AND
CONSTRUCTIVE UNTIL RECENTLY.

COMMITTEE I.

MEXICO, INDIA AND GHANA, TOGETHER WITH THE ARAB GROUP,
ARE NOW LEADING THE GROUP OF 77 TO REJECT AND RENEGOTIATE
SOME OF THE FUNDAMENTAL ISSUES DEALT WITH IN THE COMMITTEE I
REVISED SNT. WHILE THERE ARE DIFFERING REASONS FOR THEIR
DISSATISFACTION, THEIR OBJECTIVES ARE THE SAME AND THEIR
TACTICS ARE HAVING A PROFOUND EFFECT ON THE NEGOTIATING
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CLIMATE, AS WELL AS THE ULTIMATE CHANCES FOR A SUCCESSFUL
CONFERENCE THAT PRODUCES A TREATY THE UNITED STATES CAN
RATIFY. THEY HAVE SUCCESSFULLY NEUTRALIZED THE LDC MEMBERS
OF THE SECRET BRAZIL GROUP THROUGH CHARGES OF "TREACHERY"

AND "SELL OUT."

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S E C R E T SECTION 4 OF 7 USUN 3159

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EXDIS

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MEXICO WAS A MEMBER OF THE SECRET BRAZIL GROUP AT THE LAST SESSION. WHILE THEY DID NOT RECEIVE SATISFACTION ON SEVERAL ISSUES, THE SAME WAS TRUE OF ALL MEMBERS OF THE SECRET GROUP -- YET ONLY MEXICO BOLTED THE GROUP AND IS SYSTEMATICALLY TRYING TO DESTROY ITS WORK PROJECT. WE HAVE MADE SEVERAL HIGH-LEVEL APPROACHES TO MEXICO WITHOUT SUCCESS. WE VISITED MEXICO CITY TWO WEEKS AGO AND ALSO HAD NO SUCCESS. AT THIS SESSION, MEXICO HAS WORKED ACTIVELY AND ROUTINELY IN CLOSE COLLABORATION WITH THE ARAB GROUP AND IS NOW SUCCESSFULLY LEADING THE GROUP OF 77. THE TWO ISSUES WHICH MEXICO FEELS MOST STRONGLY ABOUT ARE, THE ALLEGED NON-VIABILITY OF THE ENTERPRISE AND THE ENORMOUS POWER VESTED IN THE TRIBUNAL OF THE SEABED AUTHORITY TO REVERSE DECISIONS OF OTHER ORGANS OF THE AUTHORITY ON THE GROUNDS THAT THEY VIOLATE THE TREATY.

MEXICO CLAIMS THAT ITS ONLY OBJECTIVE IS A FAIR DEAL FOR THE GROUP OF 77. IT ALSO CLAIMS TO BE MOTIVATED BY WHAT IS HAS DESCRIBED AS THE PERUVIAN/BRAZILAND "TREACHERY" TO THE GROUP OF 77. IT IS POSSIBLE, THOUGH WE HAVE HAVE NO CONFIRMATION, THAT MEXICO'S HARD-LINE POSITION IS INTENDED TO WIN THE GOOD WILL OF THE GROUP OF 77 FOR REASONS FOR

GENERAL POLITICAL REASONS (E.G., IMPROVING THE CHANGES FOR
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ECHEVARRIA'S ELECTION AS SECRETARY GENERAL OF THE UNITED
NATIONS).

COMMITTEE II.

MEXICO IS THE CHAIRMAN OF THE RECONSTITUTED GROUP OF
COASTAL STATES VARIOUSLY SAID TO INCLUDE 62, 87 OR 88 STATES.
(THE LIST OF 88 PURPORTED MEMBERS IS ALBANIA, ANGOLA,
ARGENTINA, AUSTRALIA, BAHAMAS, BANGLADESH, BENIN, BRAZIL,
BURMA, CAMEROONS, CANADA, CAPE VERDE, CHILE, CHINA, COLOMBIA,
COMOROS, CONGO, COSTA RICA, CYPRUS, DEMOCRATIC KAMPUCHEA,
DEM. REPUBLIC OF KOREA, DEMOCRATIC YEMEN, DOMINICAN REPUBLIC,
ECUADOR, EGYPT, EL SALVAROD, EQUATORIAL GUINEA, FIJI, GABON,
GAMBIA, GHANA, GUATEMALA, GUINEA, GUINEA BISSAU, GUYANA,
HAITI, HONDURAS, ICELAND, INDIA, INDONESIA, IAN, IRELAND,
IVORY COAST, KENYA, LIBYA, MADAGASCAR, MALAYSIA, MALDIVE
ISLANDS, MALTA, MAURITANIA, MAURITIUS, MEXICO, MOROCCO,
MOZAMBIQUE, NAURU, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY,
OMAN, PAKISTAN, PANAMA, PAPUA NEW GUINEA, PERU, PHILIPPINES,
PORTUGAL, ROK, ROMANIA, SAN TOME, SENEGAL, SEYCHELLES,
SIERRA LEONE, SOMALIA, SPAIN, SRI LANKA, SUDAN, SURINAM,
THAILAND, TOGO, TONGA, TRINIDAD AND TOBAGO, TUNISIA, UNITED
REPUBLIC OF TANZANIA, URUGUAY, VENEZUELA, VIET NAM, WESTERN
SAMOA, YUGOSLAVIA. THE GROUP IS MAINLY COMPOSED OF LDC'S
AND WILL BE A SIGNIFICANT FORCE IN THIS NEGOTIATION.

WHILE WE FAVOR RETAINING THE HIGH SEAS CHARACTER OF THE
WATERS WHICH WILL BE INCLUDED IN THE ECONOMIC ZONE, MEXICO
STRONGLY FAVORS A POSITION WHEREBY THE WATERS WOULD BE
NEITHER HIGH SEAS NOR TERRITORIAL SEAS AND RECENTLY SENT US
A NOTE IN THAT REGARD. MOREOVER, DURING THE NEW YORK SESSION,
MEXICO AGAIN PROPOSED REQUIRING COASTAL STATE CONSENT FOR
THE IMPLACEMENT OF "ANY DEVICES", SPECIFICALLY INCLUDING
MILITARY DEVICES, ON THE CONTINENTAL SHELF.

(FYI.: OUR BILATERAL FISHERIES NEGOTIATIONS WITH
MEXICO HAVE BEEN DIFFICULT. WHILE THEY NOW APPEAR TO HAVE
AGREED TO A 3 1/2 YEAR PHASE-OUT OF OUR SHRIMP FISHERY ON
THEIR SIDE OF THE GULF, SOME ISSUES ARE OUTSTANDING, AND OUR
INDUSTRY HAS DIFFICULTY WITH THE DEAL. END FYI.)

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COMMITTEE III.

MEXICO'S SUBSTANTIVE POSITION ON SCIENTIFIC RESEARCH IS MORE COASTAL-ORIENTED THAN OURS, BUT THEY HAVE CONTINUALLY ATTEMPTED TO PLAY A MODERATING ROLE TO HELP FIND A ACCEPTABLE SOLUTION. THIS MOTIVATION IS TO ACHIEVE AN OVERALL ACCEPTABLE TREATY. OUR OBJECTIVE IS TO ENCOURAGE THEM TO CONTINUE THEIR MODERATING ROLE.

DISPUTE SETTLEMENT.

MEXICO HAS NOT YET TAKEN PART IN THE PART IV NEGOTIATIONS. AS THE LEADER OF THE COASTAL STATE GROUP, SHE IS IN A POSITION TO EXERCISE CONSIDERABLE INFLUENCE WITH RESPECT TO THE EXCEPTIONS RELATING TO THE ECONOMIC ZONE. THIS INFLUENCE COULD BE USED IN A CONSTRUCTIVE WAY IF MEXICO WERE TO TAKE A REASONABLE APPROACH IN LIMITING EXCEPTIONS TO DISPUTE SETTLEMENT IN THE ECONOMIC ZONE TO THE MINIMUM NECESSARY, OR SHE CAN BECOME A FORMIDABLE OPPONENT IF SHE FOLLOWS THE ARGENTINE, PERUVIAN AND BRAZILIAN APPROACH OF EXCLUDING VIRTUALLY ALL DISPUTES ARISING FROM THE ECONOMIC ZONE. OUR IMPRESSION FROM CONSULTATIONS IN MEXICO IS THAT THEIR MAIN PROBLEM WITH DISPUTE SETTLEMENT IS FISHERIES, WHICH THEY WOULD PREFER TO EXCLUDE.

TALKING POINTS:

GENERAL

-- THE U.S. AND MEXICO HAVE WORKED HARD TOGETHER OVER THE YEARS TO BRING THE CONFERENCE THIS FAR.

-- THIS SESSION OF THE CONFERENCE MAY WELL DETERMINE WHETHER THESE NEGOTIATIONS CAN RESULT IN A TREATY WHICH ACCOMMODATES THE INTERESTS OF THE WORLD COMMUNITY.

-- THE LOS NEGOTIATIONS TOUCH ON A NUMBER OF ISSUES OF VITAL INTEREST TO THE U.S. WE CANNOT AGREE TO A TREATY WHICH DOES NOT MEET OUR BASIC CONCERNS.

-- BOTH MEXICO AND THE U.S. HAVE BEEN LEADERS IN THESE
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NEGOTIATIONS IN SEEKING COMPROMISES AND ATTEMPTING TO ACCOMMODATE THE INTERESTS OF THE LARGE MAJORITY OF NATIONS WITH OCEANS CONCERNS.

-- THE U.S. HAS MADE A NUMBER OF COMPROMISE PROPOSALS IN AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT. SOME OF THESE HAVE ENTAILED IMPORTANT CONCESSIONS ON OUR PART

HOWEVER, THERE IS A POINT BEYOND THE U.S. IS NOT PREPARED TO GO.

-- THUS, WHILE WE CLEARLY WANT TO RESOLVE ALL MAJOR ISSUES AT THIS SESSION, WE ARE NOT WILLING TO MAKE CONCESSIONS MERELY FOR THE SAKE OF QUICK AGREEMENT.

COMMITTEE I.

-- WE ARE DISCOURAGED AND DISAPPOINTED AT MEXICO'S APPROACH IN COMMITTEE I.

-- WE TRIED TO WORK WITH MEXICO IN THE SECRET NEGOTIATING GROUP, BUT THEN YOU DECIDED TO OPPOSE THE WORK PRODUCE AND THE LEADERSHIP OF MEMBERS OF THE GROUP DIRECTLY IN THE GROUP OF 77.

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EXDIS

--MEXICO HAS, AT LEAST AS MUCH AS ANY OTHER DELEGATION, CONTRIBUTED TO THE NEW POLARIZATION IN COMMITTEE I WHICH COULD PRECIPITATE A FAILURE OF THE CONFERENCE. IT IS POSSIBLE THERE WOULD HAVE BEEN PROBLEMS ANYWAY, BUT WE HAD HOPED YOU WOULD WORK FOR MODERATION AND RECONCILIATION.

--(YOU MAY WISH TO PROVE WHETHER MEXICO IS IN FACT DELIBERATELY POLARIZING THE FIRST COMMITTEE IN ORDER TO CREATE THE NEGOTIATION. THIS WOULD THEN EASE THE WAY FOR SEPARATEING THE COMMITTEE II TEXT AND OPENING IT FOR

SIGNATURE EARLY NEXT YEAR. FROM MEXICO'S VIEW POINT, THEY WOULD GET AN INTERNATIONAL TREATY TO ENDORSE THEIR UNILATERAL 200-MILE ECONOMIC ZONE CLAIM WITHOUT HAVING TO ACCEPT WHAT THEY CONSIDER A MARKEDLY PRO-U.S. TREATY FOR THE DEEP SEABED.)

COMMITTEE II.

--THE U.S. NOTES YOUR LEADERSHIP ROLE IN THE GROUP OF COASTAL STATES AND HOPES THAT YOU WILL PLAY A CONSTRUCTIVE AND MODERATE ROLE IN SEEKING ACCOMMODATIONS.

--IN OUR VIEW, THE HIGH SEAS STATUS OF THE ECONOMIC ZONE IS OF CRITICAL IMPORTANCE. OUR POSITION AND CONCERNS ARE NOT THEORETICAL, BUT ARE VERY REAL.

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--THE U.S. IS NOT PREPARED TO NEGOTIATE THE FUNCTIONAL EQUIVALENT OF A TERRITORIAL SEA EXTENDING TO 200 MILES FROM THE COAST. THIS IS THE IMPLICATION OF THE PRESENT NEGOTIATING TEXT.

--LET US ASSURE YOU THAT WE DO NOT INTEND, ON THE OTHER HAND, THAT THE HIGH SEAS STATUS OF THE ZONE SHOULD DEROGATE FROM THE RESOURCE AND OTHER RIGHTS OF THE COASTAL STATE THAT THIS TREATY WILL INCLUDE. IN THIS REGARD, WE ARE PREPARED TO NEGOTIATE SUITABLE ASSURANCES FOR COASTAL STATES.

--WE WOULD HOPE MEXICO COULD WORK WITH US TO FIND SUITABLE CHANGES IN THE TEXT THAT ACCOMMODATE OUR RESPECTIVE CONCERNS.

--(IF QUESTION OF DEVICES SHOULD ARISE.) THE PRESENT TEXT ON ARTIFICIAL ISLANDS AND INSTALLATIONS REPRESENTS A DELICATE BALANCE. IT IS VERY COASTAL, BUT WE ARE PREPARED TO GO ALONG WITH MINOR CORRECTIONS. HOWEVER, WE CANNOT AGREE TO A PROVISION GRANTING TO THE COASTAL STATE CONTROL OVER ALL INSTALLATIONS IN THE ECONOMIC ZONE OR ON THE CONTINENTAL SHELF. IF THEY DO NOT INTERFERE WITH THE EXERCISE OF COASTAL STATE RIGHTS, THERE IS NO REASON TO EXCLUDE THEM.

COMMITTEE III

--WE ARE VERY CONCERNED ABOUT THE REVISED TEXT ON SCIENTIFIC RESEARCH. IT IS MUCH TOO COASTALLY-ORIENTED. WE MUST ELIMINATE THE OVERALL CONSENT CONCEPT, AND LIMIT THE CONSENT REQUIREMENT IN THE ECONOMIC ZONE TO A FEW

CLEARLY SPECIFIC CATEGORIES OF SCIENTIFIC RESEARCH
(E.G., RESOURCE-ORIENTED RESEARCH). AND, OF COURSE, WE
MUST HAVE COMPULSORY DISPUTE SETTLEMENT FOR SCIENTIFIC
RESEARCH.

--THE ATTACK ON THE TEXT BY OUR SCIENTIFIC COMMUNITY
HAS BEEN VERY STRONG. SOMETHING HAS TO BE DONE TO MEET
THEIR CONCERNS.

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--I APPRECIATE YOUR DELEGATION'S EFFORTS TO FIND A
REASONABLE COMPROMISE ON THIS ISSUE AND HOPE THAT YOU
WILL CONTINUE.

DISPUTE SETTLEMENT.

--IT IS VERY IMPORTANT THAT WE INCLUDE COMPREHENSIVE
AND BINDING THIRD-PARTY DISPUTE SETTLEMENT PROCEDURES IN
THE TREATY.

--THE KEY PROBLEM IS THE ECONOMIC ZONE. BINDING
DISPUTE SETTLEMENT PROCEDURES MUST APPLY THERE IF THE
BASIC SUBSTANTIVE ACCOMMODATION IS TO REMAIN VIABLE. IF
THE DIFFICULTY WITH THIS IS FAILURE, LET'S WORK TOGETHER
IN OUR MUTUAL INTEREST TO AVOID THE POSSIBILITY OF
CONSTANT FISHERIES LITIGATION BY NARROWING THE CIRCUM-
STANCES WHEN A FISHERIES CASE CAN BE BROUGHT.

--ALL NATIONS HAVE AN INTEREST IN THE ORDERLY SETTLEMENT
OF DISPUTES AND PROCEDURES ALONG THE LINES OF PART
IV HAVE CONSIDERABLE MERIT IN THIS REGARD.

--EXCEPTIONS RELATING TO THE ECONOMIC ZONE CANNOT BE SO
EXTENSIVE AS TO DEFEAT THIS OBJECTIVE.

KENYA

YOUR MEETING WITH KENYAN DELEGATION HEAD NJENGA

PARTICIPANTS

US KENYA

SECRETARY NJENGA

MAW

LEARSON

OXMAN

CHECKLIST

--COMMITTEE I - URGE KENYA TO HELP SELL REVISED TEXT
TO GROUP OF 77.

--COMMITTEE II - STRESS IMPORTANCE TO US OF HIGH SEAS
STATUS OF ECONOMIC ZONE.

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--COMMITTEE III - STRESS IMPORTANCE OF MAKING MAJOR
CHANGES TO SCIENTIFIC RESEARCH TEXT.

--DISPUTE SETTLEMENT - STRESS IMPORTANCE OF APPLYING
DISPUTE PROCEDURES TO ECONOMIC ZONE DISPUTES.

KENYA

BACKGROUND:

GENERAL.

WHILE WE HAVE A GOOD TIE WITH THE KENYAN DELEGATION,
THEIR CHIEF SPOKESMAN (NJENGA) WAS ANNOYED THAT
WE PERSUADED HIS FOREIGN MINISTER TO REVERSE KENYA'S
OPPOSITION TO A SECOND CONFERENCE SESSION THIS YEAR.

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STADIS//////////

EXDIS

YOU MET NJENGA IN THE SPRING WHEN HE WAS ACTING CHAIRMAN
OF COMMITTEE II. AT THAT TIME, HE STRONGLY OPPOSED

US ON HIGH SEAS STATUS OF THE ECONOMIC ZONE AND DISPUTE SETTLEMENT IN THE ZONE; HE SEEMS TO HAVE MODERATED ON THE LATTER ISSUE.

1. COMMITTEE I.

KENYA IN THE PAST WAS THE PRINCIPAL VOICE OF MODERATION IN COMMITTEE I SINCE CARACAS IN 1974. KENYA HAS BEEN INCLUDED IN ALL SECRET AND SMALL GROUP NEGOTIATIONS AND HAS BEEN A CONSTRUCTIVE FORCE IN THE AFRICAN GROUP FOR MODERATE POSITIONS. KENYA WAS THE ONLY AFRICAN STATE WE WERE ABLE TO FIT INTO THE SECRET BRAZIL GROUP AT THE LAST SESSION WHICH COULD BE COUNTED ON TO DO USEFUL TREATY DRAFTING AND TO PREVENT REJECTION OF THE COMPROMISE TEXT WITHIN THE AFRICAN GROUP.

UNFORTUNATELY, THE KENYAN REPRESENTATIVE IN COMMITTEE I HAS RECENTLY TRANSFERRED TO THE UN SECRETARIAT. THE HEAD OF THE KENYAN DELEGATION (WHO HAS BEEN VERY ACTIVE IN COMMITTEE II) IS ONE OF THE MOST INFLUENTIAL LEADERS IN THE CONFERENCE: HE HAS TOLD US THAT HE REPUDIATES THE WORK DONE BY HIS REPRESENTATIVE AT THE LAST SESSION IN THE SECRET BRAZIL GROUP. WE ARE THUS FACED WITH THE POSSIBILITY OF AN AFRICA LED BY ALGERIA AND TANZANIA, AND
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POSSIBLY BY KENYA WHICH MAY JOIN THE ARABS, MEXICO, INDIA AND GHANA TO REPUDIATE THE WORK DONE AT THE LAST SESSION ON A FEW CRITICAL ARTICLES. SO FAR DURING THIS SESSION, THE AFRICAN GROUP HAS DONE VERY LITTLE AND HAS DEFERRED TO GHANA, WHICH AS YOU KNOW, IS IN LEAGUE WITH MEXICO, INDIA, AND THE ARAB GROUP TO UPSET THE COMPROMISES REACHED AT THE LAST SESSION. WE ARE NOT CERTAIN THERE IS MUCH YOU CAN DO WITH THE KENYA REPRESENTATIVE, ALTHOUGH KENYA IS IN THE ABSTRACT A GOOD CHOICE FOR MODERATE LEADERSHIP IN AFRICA. A CHANGE IN KENYA'S ATTITUDE TOWARD COMMITTEE I MAY HAVE TO COME THROUGH INSTRUCTIONS FROM THE FOREIGN MINISTER; THIS CONVERSATION COULD LAY THE FOUNDATION FOR AN APPROACH IN NAIROBI.

2. COMMITTEE II.

KENYA PLAYS A KEY ROLE ON COMMITTEE II ISSUES IN BOTH THE AFRICAN GROUP AND WITHIN THE GROUP OF 77. MOREOVER, THEIR EFFECTIVE HEAD OF DELEGATION, NJENGA, IS ON THE BUREAU OF THE COMMITTEE. IN RESPONSE TO THE "PUSH" OF THE LL/GDS AT THE LAST SESSION TO OBTAIN RESOURCE RIGHTS IN THE ECONOMIC ZONES OF THEIR NEIGHBORS, KENYA WAS A LEADER AMONG THE LDC'S IN ADVOCATING A MORE TERRITORIAL APPROACH TO THE ZONE. THEIR OPPOSITION TO

THE LANDLOCKED PRETENSIONS IS BOTH SUBSTANTIVE AND POLITICAL (WITH UGANDA ON THE OTHER SIDE). KENYA BELIEVES THAT THE ECONOMIC ZONE IS NEITHER HIGH SEAS NOR TERRITORIAL SEA, BUT IS A (BEGIN UNDERLINE) SUI GENERIS (END UNDERLINE) ZONE. LIKE MOST AFRICANS, THEY ARE GENERALLY SILENT ON OTHER NAVIGATION ISSUES OF INTEREST TO US, BUT MIGHT TILT FURTHER IN OUR DIRECTION ON STRAITS BECAUSE OF UNCERTAINTY ABOUT THE FUTURE OF DJIBOUTI ONCE FRANCE WITHDRAWS.

3. COMMITTEE III.

KENYA HAS STRONGLY SUPPORTED A TOTAL CONSENT REGIME FOR SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE, WITH FE, IF ANY, RESTRICTIONS ON THE COASTAL STATE RIGHT TO DENY CONSENT. ALSO, KENYA HAS DEMANDED A RIGHT FOR THE COASTAL STATE TO DENY CONSENT ON NATIONAL SECURITY GROUNDS. KENYA IS MODERATE ON POLLUTION QUESTIONS.

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4. DISPUTE SETTLEMENT.

THE KENYAN COMMITTEE I REPRESENTATIVE WHO HAS NOW JOINED THE SECRETARIAT WAS AN ACTIVE PROPONENT OF COMPULSORY DISPUTE SETTLEMENT. ON THE OTHER HAND, NJENGA TOLD YOU HE OPPOSES DISPUTE SETTLEMENT IN THE ECONOMIC ZONE, BUT EMPHASIZED FISHERIES AS THE REASON. IN A STATEMENT LAST WEEK, KENYA WAS UNENTHUSIASTIC ABOUT COMPULSORY PROCEDURES BUT SAID THEY WOULD SUPPORT COMPULSORY SETTLEMENT IN THE ECONOMIC ZONE FOR INTERFERENCE WITH NAVIGATION AND OVERFLIGHT, POLLUTION, AND POSSIBLY SCIENTIFIC RESEARCH.

TALKING POINTS:

(YOU SHOULD MAKE SOME REMARK THAT SIGNALS THE POSSIBILITY OF DIRECT CONTACT WITH THE FOREIGN MINISTER SO AS TO MINIMIZE THE POSSIBILITY OF SURPRISE AND NEGATIVE REACTION BY THE DELEGATION HERE).

GENERAL

--THIS SESSION OF THE CONFERENCE MAY WELL DETERMINE WHETHER THESE NEGOTIATIONS CAN RESULT IN A TREATY WHICH ACCOMMODATES THE INTERESTS OF THE WORLD COMMUNITY.

--THE LOS NEGOTIATIONS TOUCH ON A NUMBER OF ISSUES OF VITAL INTEREST TO THE U.S. WE CANNOT AGREE TO A TREATY WHICH DOES NOT MEET OUR BASIC CONCERNS.

--THE U.S. HAS MADE A NUMBER OF COMPROMISE PROPOSALS IN AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT. SOME OF THESE HAVE ENTAILED IMPORTANT CONCESSIONS ON OUR PART. HOWEVER, THERE IS A POINT BEYOND WHICH THE U.S. IS NOT PREPARED TO GO.

--THUS, WHILE WE CLEARLY WANT TO RESOLVE ALL MAJOR ISSUES AT THIS SESSION, WE ARE NOT WILLING TO MAKE CONCESSIONS MERELY FOR THE SAKE OF QUICK AGREEMENT.
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COMMITTEE I

--WE UNDERSTAND THAT THE KENYAN DELEGATION HAS IMPORTANT RESERVATIONS ABOUT THE REVISED SNT IN COMMITTEE I.

--WE WOULD HOPE THAT IN LIGHT OF THE FACT THAT THE KENYAN REPRESENTATIVE IN COMMITTEE I PLAYED A KEY ROLE AT THE LAST SESSION IN NEGOTIATING THE REVISED SNT IN THE SECRET GROUP, THAT KENYA WOULD HELP ALONG WITH THE OTHER MEMBERS OF THE GROUP TO SELL THE REVISED SNT IN THE GROUP OF 77.

--AT THE MINIMUM, IN VIEW OF KENYA'S ACTIVE PARTICIPATION IN THE NEGOTIATIONS, WE WOULD HOPE THAT KENYA WOULD NOT TAKE A LEADING ROLE IN UNDOING THAT WORK, BUT RATHER DIRECT EFFORT TO THE IMPORTANT ITEMS NOT FULLY NEGOTIATED.

--THE U.S. REGARDS THE REVISED SNT AS A marginally acceptable basis for further work in its present form. IF THE DOCUMENT IS PUSHED TO A MORE EXTREME POSITION, IT WILL DIMINISH THE CHANCE FOR SERIOUS NEGOTIATIONS AND THE LAW OF THE SEA PACKAGE TREATY MAY NOT BE ACHIEVED.

COMMITTEE II

--IN OUR VIEW, THE HIGH SEAS STATUS OF THE ECONOMIC ZONE IS OF CRITICAL IMPORTANCE. OUR POSITION AND CONCERNS ARE NOT THEORETICAL, BUT ARE VERY REAL.

--THE U.S. IS NOT PREPARED TO NEGOTIATE THE FUNCTIONAL EQUIVALENT OF A TERRITORIAL SEA EXTENDING TO 200 MILES FROM THE COAST. THIS IS THE IMPLICATION OF THE PRESENT NEGOTIATING TEXT.

--LET US ASSURE YOU THAT WE DO NOT INTEND, ON THE

OTHER HAND, THAT THE HIGH SEAS STATUS OF THE ZONE,
SHOULD DEROGATE FROM THE RESOURCE AND OTHER RIGHTS OF
THE COASTAL STATE THAT THIS TREATY WILL INCLUDE. IN
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THIS REGARD, WE ARE PREPARED TO NEGOTIATE SUITABLE
ASSURANCES FOR COASTAL STATES.

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S E C R E T SECTION 7 OF 7 USUN 3159

STADIS//////////

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FOR D/LOS

FROM US LOS DEL

-- I ALSO WANT TO ASSURE YOU THAT WE DO NOT REGARD
THE HIGH SEAS STATUS OF THE ZONE AS AFFECTING THE
OUTCOME OF NEGOTIATIONS WITH THE LANDLOCKED STATE
ON RESOURCES. THAT ISSUE MUST BE DECIDED ON ITS OWN
MERITS, AND THE RESULT MUST BE FAIR TO COASTAL AS WELL
AS LANDLOCKED COUNTRIES.

COMMITTEE III

-- I AM EXTREMELY CONCERNED ABOUT THE REVISED TEXT ON
MARINE SCIENTIFIC RESEARCH. THE TEXT IS MUCH TOO COASTALLY

ORIENTED. WE MUST ELIMINATE THE OVERALL CONSENT REQUIREMENT IN THE ECONOMIC ZONE TO A FEW CLEARLY SPECIFIED CATEGORIES OF SCIENTIFIC RESEARCH (E.G., RESOURCE-ORIENTED RESEARCH). AND, OF COURSE, WE MUST APPLY THE COMPULSORY DISPUTE SETTLEMENT PROCEDURES TO SCIENTIFIC RESEARCH PROJECTS.

-- YOUR DELEGATION HAS RAISED SECURITY CONCERNS REGARDING SCIENTIFIC RESEARCH OFF YOUR COAST. I FEEL THAT YOUR FEARS ARE UNFOUNDED, SINCE NOTICE, PARTICIPATION AND SHARING OF DATA WOULD BE REQUIRED FOR ALL SCIENTIFIC
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RESEARCH. IN ANY CASE, IF WE TRY TO CONVERT THE ECONOMIC ZONE TO A SECURITY ZONE, IT IS CLEAR THAT THE VERY FOUNDATIONS OF THIS NEGOTIATION OVER SEVERAL YEARS WILL COLLAPSE. THUS, WE MUST OPPOSE ANY RIGHT FOR THE COASTAL STATE TO CONTROL ACTIVITIES ON SECURITY GROUNDS: THAT IS A TERRITORIAL SEA.

DISPUTE SETTLEMENT

-- THERE WILL BE CONTINUING PROBLEMS IN HARMONIZING THE RIGHT OF COASTAL STATES AND OTHERS IN THE ECONOMIC ZONE. WE NEED A PROCEDURE THAT REDUCES THE POTENTIAL FOR FRICTION. IT IS THE LAW - THE TREATY - THAT WILL APPLY IN SUCH DISPUTES.

-- WE ATTACH GREAT IMPORTANCE TO APPLYING COMPULSORY PROCEDURES TO DISPUTES IN THE ECONOMIC ZONE. WE BELIEVE THAT THE LONG-TERM INTERESTS OF COASTAL STATES WILL BE SERVED BY PROVIDING A REASONABLE ALTERNATIVE FOR PROTECTING THEIR INTERESTS. FOR OUR PART, ONCE A COASTAL STATE RIGHT OF ARREST IS POSTULATED, THERE MUST BE MEANS FOR DEALING WITH MISUNDERSTANDINGS. WE CANNOT ALLOW ANTICIPATED PROBLEMS TO BECOME CONSTANT POLITICAL IRRITANTS IN RELATIONS BETWEEN COUNTRIES.

-- WE ARE PREPARED TO COOPERATE IN ADOPTING LANGUAGE THAT MINIMIZES THE POSSIBILITY OF CONSTANT LITIGATION ON FISHERIES.

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